



State of Utah

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March 25, 2009

To Whom It May Concern:

The following is a proposed Temporary Assistance for Needy Families State Plan Amendment. This amendment will be posted on the DWS website from March 25, 2009 – May 9, 2009 for public review and comment.

The Amendment changes include:

- Table of Contents pages renumbered
- Language clarification on pages 2, 7, 17 and 19
- Removed 200% of Federal Poverty Level language (page 5)
- Removed requirement for two filing units to be combined into one for Employment and Education and Training Services (page 10)
- Added Child Care, Case Management, and Rapid Re-Housing Services Programs (pages 10 & 11)
- Added rental assistance services which are available to help move parents to increased economic independence (page 14)
- Added grantee orientation information
- Added Baby Watch Early Intervention Services to be used for MOE

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State of Utah

DEPARTMENT OF WORKFORCE SERVICES
DIVISION OF EMPLOYMENT DEVELOPMENT

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Utah ' s Temporary Assistance for Needy Families (TANF) State Plan Amendment

Amended ~~September 18, 2008~~ March 24, 2009

Effective ~~December 31, 2008~~ February 1, 2009

State of Utah
TANF State Plan

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Section 1 - GOALS, RESULTS, AND PUBLIC INVOLVEMENT

The Department of Workforces Services administers the TANF Block Grant along with other programs and services in a comprehensive One-Stop system. The One-Stop system consolidates all job placement, job training, and what is commonly known as welfare into one integrated service delivery system. The consolidated department legally began on July 1, 1997.

The goals of the Department of Workforce Services are to:

- Promote economic stability and self-sufficiency for all customers
- Contribute to the development of a workforce that is prepared for the jobs of today and the future
- Provide a dynamic employment exchange system
- Support quality of work-life for all DWS employees

The basic objectives of the department are to simplify programs, to operate more efficiently, and to improve services. The Department focuses on employment and will seek to serve employers by providing qualified applicants. At the same time, the department will seek to serve job seekers by helping them find appropriate employment or engage them in activities that will lead to gainful employment tailored to meet the needs of special populations, as defined by statute.

Utah refers to its One-Stops as employment centers. A statewide system of 35 employment centers and additional satellite offices serve individuals and families with supportive services like food stamps, child care, Medicaid and other medical programs, and financial assistance; help in finding a job; access to job training programs; educational and employment-related opportunities for displaced homemakers and refugees and services for aged and disabled individuals.

The programs and services administered by the Department of Workforce Services include:

- Financial assistance
- Transitional cash assistance
- Food Stamp benefits
- Child care services
- Refugee assistance
- General assistance
- Working Towards Employment Program
- Medicaid assistance
- Unemployment Insurance
- Employment services: counseling, screening, job referrals
- Employment workshops

- Veterans services
- Migrant farm worker services
- Assessment, classroom training and career counseling
- Pre-employment training
- Career orientation
- Career assessment
- Job seeking skills
- Job placement

The Department also includes the Office of Work and Family Life that promotes and creates quality child care, resources and support to help improve the economic stability and well being of Utah's children and families.

Utah uses the Temporary Assistance for Needy Families (TANF) block grant to fund its Family Employment Program, Employment and Education and Training Services for needy families, and the Utah Healthy Marriage Initiative.

The Family Employment Program

Financial assistance offers a temporary support system, not a long-term solution, to problems. The long-term solution for most families is employment. Successful efforts to assist families toward financial independence are based on an understanding of the social, emotional and economic factors that influence them.

The Family Employment Program is based on Utah's long experience with improving services for unemployed and underemployed families through early welfare reform initiatives. The purpose of the Family Employment Program is to offer unemployed and underemployed single parents and two-parent families opportunities to increase family income through employment and child support. Cash assistance for tTwo parent families where neither parent is incapacitated are served is funded with state only funds. The Utah Legislature established a 36-month State lifetime limit for Utah's TANF cash assistance recipients.

Data for the Family Employment Program is collected to provide foundational information for future program development and implementation. Utah continues to contract with the University of Utah's Social Research Institute to provide data and survey information measuring basic demographics, attitudes, barriers and experiences of the general Family Employment Program population. This data follows differences between the general Family Employment Program population and other groups such as the long-term recipients and those closed due to non-participation. In addition, key business measures for operational performance monitor: the rate of those meeting Federally defined participation requirements while receiving assistance; the number of closures due to employment or marriage or other "positive" reasons; and the percent of those that enter and retain

employment after closure. Utah will be successful when increased income occurs for families taking advantage of the opportunities of the Family Employment Program.

To maintain the public's trust, it is paramount that the Family Employment Program is viewed as an effective employment program we execute with integrity. The Internal Audit and Program Performance units of the Department are involved in the evaluation of proper dollar distribution and have responsibility in the evaluation of the program's integrity. An audit review tool will monitor case accuracy and customer participation indicators. The Public Assistance Overpayments Division of the Department investigates fraud and collects overpayments. Since the Division's inception in 2003, collections have increased dramatically.

Employment and Education and Training Services

The Department uses all the training funds it has available, including TANF block grant funds and Workforce Investment Act (WIA) funds, to provide employment, and education and training services needed for the Department of Workforce Services to achieve its goals and develop a qualified Utah workforce.

The Workforce Investment Act reformed job-training programs and created a comprehensive workforce investment system. Seven key principles are embodied in the Act:

1. Streamlining services through better integration at the street level in One-Stop service systems. Program and providers integrated for accessibility.
2. Empowering individuals through financial power, access to increased levels of information and guidance and through the support of One-Stop service systems and partners.
3. Universal access to information on employment related services, opportunities and career planning.
4. Increasing accountability in achieving the goal of increased employment, retention and earnings of participants. This is done through improving the quality of the workforce to sustain economic growth, enhance productivity and competitiveness, and reduce welfare dependency.
5. Strong involvement of the local business community in local strategic planning and program oversight.
6. State and local flexibility to meet the needs of local labor markets.

7. Improved youth programs to provide strong connections between academic and occupational learning.

Job training assistance and its related services offer a selection of tools to be used in the development of Utah's high quality workforce, as outlined in the Department's mission statement. In order for Utah's workforce to compete in the state and national employment market, individual assessment, planning, and training services are required to prepare our economically disadvantaged and displaced customers for high paying jobs. Their employment goal may be to obtain a first job, a better job, or a career placement.

Economically disadvantaged youth and adults are prepared for participation in the workforce through the provision of basic and occupational skills, development of pre-employment and work maturity skills, and a variety of work site and classroom learning options. Dislocated Workers served under the WIA are aided in their desire for quick re-entry into the workforce through early readjustment and referral services. Those workers assessed as needing skills updating or certification use job training services as a tool to build upon already-existing work experience and ethics. Successful efforts to assist all job training customers are based on an understanding of the social, emotional, and economic factors that influence and act as barriers to an individual's employment potential.

Section 2 - NEEDY FAMILIES

In Utah, services and assistance may be provided to eligible families where a dependent child under the age of 18 resides in the household and whose total household income does not exceed ~~200% of the Federal Poverty Level, or~~ 300% of the Federal Poverty Level ~~for child care for working families.~~

Family Employment Program

The Family Employment Program serves all eligible unemployed or underemployed families where a dependent child resides in the home, or where a woman is pregnant and in her third trimester. A dependent child is defined as a child under the age of 18, or if 18, a full time student, reasonably expected to complete the program by the month they turn age 19.

Individuals who must be part of the family's assistance filing unit include:

- All brothers, sisters, half-brothers, half-sisters, adopted brothers, and adopted sisters who are residing in the same household as a dependent child, and who also meet the dependent child requirement.
- All parents, including stepparents, residing in the same household as their son, daughter, stepson, or stepdaughter who meet dependent child requirements.
- When an individual residing in the household is required to be included in two filing units, the filing units must be combined into one filing unit.

A child who is expected to be temporarily absent from the home for no more than 180 consecutive days may still be considered part of the filing unit. A Native American child or a child who is deaf and blind, if temporarily absent due to boarding school, may still be considered part of the filing unit even if the temporary absence is expected to last more than 180 days.

For the Family Employment Program a family is considered needy when:

- They reside in Utah.
- They meet either U.S. citizenship status or a non-citizen status of permanent legal resident, refugee, conditional entrant, Cuban/Haitian refugees or Entrants, Victims of Human Trafficking, and certain battered aliens, or individuals granted asylum. Qualified ~~Aliens~~ who do not meet Federal Eligible Alien criteria, are barred from TANF participation for 5 years from date of entrance into the U.S. will be served with state dollars.
- Their countable assets do not exceed \$2,000 in value - with the equity value of all motorized vehicles exempt, except possibly in some Adoption Assistance cases.
- They meet the following income limits:

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Household Size	Test 1 Gross Income	Test 2 Net Income	Test 3 Financial Assistance Payment Amount
1	608	329	288
2	843	456	399
3	1050	568	498
4	1230	665	583
5	1400	757	663
6	1542	834	731
7	1615	873	765
8	1690	914	801

Each financial assistance payment includes a \$100 parent participation amount. All parents in the household must be participating to receive it. Parents who are not participating in agreed upon activities face the possibility of losing the \$100 parent participation amount for a period of one month. In addition, financial assistance closure for the whole family could happen if a formal problem solving process determines the parent is capable of participation in agreed upon activities and has chosen not to participate.

All families within the State, and those families who have moved here from another State, will have the same access to the Family Employment Program and be offered the same level of assistance and supportive services. Eligible non-citizens will also be offered the same level of assistance and supportive services.

Information on families participating in the Family Employment Program will be safeguarded and access restricted to only those who request information to administer programs that provide other required or needed services to the families we serve. Any person who fails to safeguard information is subject to both civil and criminal penalties.

Families will have the right to ask for an agency conference or a fair hearing any time they do not agree with an action or decision on their case:

- An agency conference involves a meeting between the adult family members, the case manager, and the supervisor. In the conference the action or issues they do not agree upon will be identified, a review of the case record will occur, rules will be checked and explained, and alternative actions that could resolve the issues will be explored.
- A fair hearing will be conducted by an independent hearing examiner through either in-person hearings with all parties meeting at the same place or telephonic hearings where the hearing examiner conducts the hearing via a telephone conference call.

The family must ask for the hearing in writing within 90 days of the effective date of the case action with which they disagree, and a decision must be issued within 60 days from the date of the hearing. A family who requests a fair hearing within 10 days of the effective date of the action they disagree with may also request continued benefits while awaiting the outcome of the hearing. Fair Hearings will not be open to the public.

Family Employment Program for Two Parents

Utah is using state only funds to pay for assistance for the FEP Two Parent Program ~~and will not claim them as MOE~~. Case management services and administrative costs will be claimed as MOE.

~~The~~ Utah Adoption Assistance Program

The Utah Adoption Assistance Program provides assistance to a birth parent that would have been or is otherwise eligible for the Family Employment Program. Assistance for a woman who is in her third trimester, and is planning to relinquish custody of the child for the purpose of adoption, is funded by TANF and follows the Family Employment Program requirements until the child is born and custody has been relinquished.

Once relinquishment and subsequent termination of parental rights occurs financial adoption assistance may continue to be provided based on participation and eligibility requirements for twelve consecutive months from the date of relinquishment. The month after relinquishment is month one.

For a birth parent residing in Utah, who was (or would have been) the caretaker of a child whose custody has been relinquished for the purpose of adoption, and has other related dependent children living in the home, the household must first be determined ~~to be~~ eligible for the Family Employment Program thus meeting the Utah definition of needy family. If the household is eligible for the Family Employment Program, a supplemental adoption assistance amount equal to the amount the household would have received had the parent kept the child, will be added to the monthly amount. If the household is not eligible for the Family Employment Program, the birth parent is not eligible for any TANF funded financial adoption assistance.

Emergency Assistance Homelessness Prevention Program

This program provides immediate short-term help to destitute families who would have been or are otherwise eligible for the Family Employment Program. Services may be provided to families for up to 30 consecutive days in any 365-day period. Services provided by this program include rent, mortgage, utility payments, and/or legal services to avoid eviction.

A family with a dependent child who is homeless or in danger of becoming homeless due to a crisis situation beyond their control may be eligible for assistance from this program. A dependent child is defined as a child under the age of 18, or if 18, a full-time student, and is reasonably expected to complete the program by the month they turn age 19.

The expectation is that ~~the~~ one-time assistance will enable a homeless family to obtain housing, or a family about to become homeless will be able to maintain their housing while they overcome the temporary crisis.

Program Eligibility Requirements:

The family must meet ALL eight of these program eligibility requirements to be eligible:

1. The family must be homeless, facing eviction, foreclosure, utility shutoff, or in need of utilities, because of past due payments that resulted from a crisis beyond the control of the family.
2. The family must be able to secure housing, utilities, or be able to prevent the eviction, foreclosure, or utility shutoff, with a one time rent, mortgage, or utility payment.
3. The family must demonstrate the ability to resolve past due payments and pay future months' rent, mortgage, or utility payments after resolution of the crisis.
4. The family must have exhausted all other resources first.
5. The value of the household's assets cannot exceed \$2000. Countable assets are those immediately available to the family members.
6. The gross income available to the family cannot exceed the gross income limit of the Family Employment program. This limit equals 185% of the standard needs budget based on the household's size.
7. A household will only receive services for a thirty consecutive day period during a year. A year is defined as 365 days following the initial date the assistance was **issued** (not application date).
8. The family must have a dependent child who is either a U.S. citizen (this includes individuals who have been naturalized) or an alien who is lawfully admitted to reside permanently in the U.S. Aliens granted legal temporary or legal permanent status under the 1986 Immigration Reform and Control Act are not eligible for five years from their adjustment date.

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9. Services provided include:

Eligibility determination and administration
Counseling (in basic planning and family budgeting)
Advocacy referral (needed to resolve problems with landlords and mortgage companies)

Payments provided will not exceed:

\$ 450 per family for one month's rent payment
\$ 700 per family for one month's mortgage payment
\$ 300 per family for utility payments

The Adoption Assistance Program and the Emergency Assistance Homelessness Prevention Service have the same requirements as the Family Employment Program regarding:

- Restriction of use and disclosure of information
- Treatment of families moving into the state
- Citizenship requirements

Families receiving Adoption Assistance and Emergency Assistance Homelessness Prevention Services have the same rights as Family Employment Program families to request an agency conference or a fair hearing any time they do not agree with an action or decision on their case.

Special Emergency Provisions for Declared National Disasters

The TANF block grant will be used to provide emergency assistance to victims of declared national disasters. The emergency rule provision will be utilized to outline policies that apply to the specific disaster needs identified.

Employment and Education and Training Services

Employment and Education and Training services may be provided to eligible unemployed or underemployed families where a dependent child resides in the home or where a woman is pregnant and in her third trimester. A dependent child is defined as a child under the age of 18, or if 18 a full time student reasonably expected to complete the program by the month they turn age 19.

Individuals who must be part of the family's assistance filing unit include:

All brothers, sisters, half-brothers, half-sisters, adopted brothers, and adopted sisters who are residing in the same household as a dependent child, and who also meet the dependent child requirement.

- All married parents, including stepparents, residing in the same household as their son, daughter, stepson, or stepdaughter who meet dependent child requirements.
- ~~When an individual residing in the household is required to be included in two filing units, the filing units must be combined into one filing unit.~~

For Education and Training Services a family is considered needy when:

- They are residing in Utah.
- They meet either U.S. citizenship status or an employment eligible non-citizen with status of permanent legal resident, refugee, conditional entrant or individuals granted political asylum.
- They verify identify.
- The family's household gross income does not exceed 200% of the federal poverty limits.

Child Care Services

The Employment Support Child Care Program is designed to help subsidize low-income working families with their child care expenses. Parents must be working a minimum number of hours per week and meet income guidelines. Once a parent has been approved for child care assistance, their income limit for ongoing child care increases to a higher level. This allows parents to stay on the program longer and help alleviate the 'cliff effect'.

For Employment Support Child Care, a family is considered needy when:

- They reside in Utah.
- They meet either U.S. citizenship status or an employment eligible non-citizen with status of permanent legal resident, refugee, conditional entrant or individuals granted political asylum.
- The family's household gross income does not exceed 300% of the federal poverty level.

Deleted: They meet the citizenship requirements of being a U.S. citizen, U.S. National, or an alien who is or is treated the same as a "Qualified Alien" as defined by Federal law. A "Qualified Alien" means an alien who at the time of application for public benefits has the immigration status of permanent legal resident, refugee, conditional entrant, Cuban or Haitian Refugees or Entrants, Victims of Human Trafficking, certain battered aliens, individuals granted asylum, individuals paroled under INA 212(d)(5) for at least one year, or an alien whose deportation is being withheld under INA 243(h).

Case Management Services

Refugees who are resettled in Utah face multiple challenges to successful integration in their communities. Case management services are critical to successful refugee resettlement. Case management services may be provided to eligible refugee families for up to two years.

For Case Management Services a refugee family is considered needy when:

- They reside in Utah.

- The family meets the Refugee definition to encompass all such eligible persons under the following immigration statuses:
Refugee admitted under Section 207 of the Immigration and Nationality Act (INA)
Asylees granted permanent asylum under Section 208 of the INA
Cuban and Haitian Entrants and refugees as defined under 45 CFR 401.2
Certain Amerasians who are admitted to the U.S. as immigrants and certain
Amerasians from Viet Nam, including US citizens under PL 100-202 and PL 100-461
Victims of a severe form of human trafficking under PL 106-386 and PL 108-193
Certain Afghani special visa immigrants who are to be treated like refugees for a
defined time-limited period as provided under PL 110-161 and PL 110-329
Certain Iraqi special visa immigrants who are to be treated like refugees for a
defined time-limited period as provided under PL 110-161 and PL 110-181.
- The family's household gross income does not exceed 300% of the federal poverty limit.

Deleted: They meet the citizenship requirements of being a U.S. citizen, U.S. National, or an alien who is or is treated the same as a "Qualified Alien" as defined by Federal law. A "Qualified Alien" means an alien who at the time of application for public benefits has the immigration status of permanent legal resident, refugee, conditional entrant, Cuban or Haitian Refugees or Entrants, Victims of Human Trafficking, certain battered aliens, individuals granted asylum, individuals paroled under INA 212(d)(5) for at least one year, or an alien whose deportation is being withheld under INA 243(h).

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Rapid Re-Housing Services

The purpose of these funds is to alleviate short-term crisis by helping homeless families obtain stable housing through deposit, utility assistance and rent assistance. Short-term non-recurrent benefits may be provided for a maximum of 4 months in a year.

For Rapid Re-Housing Services a homeless family is considered needy when:

- The family's household gross income does not exceed 200% of the federal poverty limit.
- They are residing in Utah.
- They meet either U.S. citizenship status or an employment eligible non-citizen with status of permanent legal resident, refugee, conditional entrant or individuals granted political asylum.

Deleted: They meet the citizenship requirements of being a U.S. citizen, U.S. National, or an alien who is or is treated the same as a "Qualified Alien" as defined by Federal law. A "Qualified Alien" means an alien who at the time of application for public benefits has the immigration status of permanent legal resident, refugee, conditional entrant, Cuban or Haitian Refugees or Entrants, Victims of Human Trafficking, certain battered aliens, individuals granted asylum, individuals paroled under INA 212(d)(5) for at least one year, or an alien whose deportation is being withheld under INA 243(h).

Section 3 - EMPLOYMENT PLANNING

The purpose of the Family Employment Program (including the Family Employment Program for Two Parents and Adoption Assistance) is to help families become self sufficient by increasing family income through employment and child support. The program will move families to work and increased economic independence in the following ways:

- **Employment planning is required and takes place in conjunction with eligibility determination.**

In order to stress the program's employment focus, assessment and employment planning occurs in conjunction with eligibility determination. From the individual's initial contact with the agency, participation requirements and the program's employment goals are clearly explained and reviewed, beginning with a required program orientation.

- **Diversion is an option instead of ongoing assistance.**

Under the diversion option, persons with the prospect of employment or other sources of income are offered job placement assistance, a financial payment of up to 3 months to meet immediate needs, childcare, and other employment related support services. Transitional medical or other medical programs may also be available. Continued case management is available to provide continued support and reduce recidivism.

- **Universal participation in activities leading toward employment based on individualized employment plans within program guidelines.**

Every "work eligible" parent is required to participate and expected to negotiate an employment plan regardless of his or her age or the age of the children. Employment planning begins at contact with an employment counselor during an initial interview. There are no exceptions to universal participation. This policy allows for the implementation of Section 407, which limits participation for a parent with a child under 6 who is unable to obtain child care.

Employment plans are negotiated within program guidelines. All FEP customers who are required to participate are expected to negotiate an employment plan at the expected level of participation. The expected level of participation is 30 hours or more a week in eligible activities, with at least 20 of those hours in priority activities. The expected level of participation for a customer with a child under age 6 is at least 20 hours a week in priority activities.

The Employment Counselor uses all available assessment information to determine if the expected level of participation is appropriate for the individual customer. When

assessment information suggests the customer cannot perform at the expected level of participation, the employment plan should support progress towards achieving the expected level of participation. Participation for these customers may mean participating at reduced hours and activities that address identified barriers that prevent them from performing the eligible activities.

Participation is required. The financial support payment is based upon participation. Customers participating 30 or more hours in employment, worksite placements, full time education/training, or a combination of these activities may be eligible to receive an extra \$60 a month.

Dependent children ages 16 and older that are not in school or working are also required to participate in activities that support school and employment.

Child support is emphasized. Unless there is good cause, child support cooperation is a participation requirement.

- **Employment is supported with earned income disregards.**

For the financial support payment, the first \$100 plus 50% of the remainder of earned income is not counted when determining the financial support payment. This incentive is not time limited.

Transitional and Extended Support services are available to FEP and FEP-Two Parent cases that close due to increased income, to support their transition to employment. These services help families:

- Stabilize after the loss of FEP assistance
- Maintain employment
- Reduce recidivism

Transitional Support Services for customers employed an average of at least 30 hours a week include two months of a full financial grant, a third month of ½ of a financial grant, 6 months of required case management, and supplemental payments given directly to a parent to help reimburse work related expenses.

Extended Support Services include optional case management offered for 24 months to support increased household income through employment.

Households may continue to be categorically eligible for food stamps for 24 months. Transitional Medicaid may be available for 12 months. In addition, Transitional or Extended Child Care is available for six months immediately following financial case closure. Ongoing employment support child care is available for eligible working parents.

- **Financial, Food Stamp, Medicaid and other medical programs and Child Care rules are simplified.**

Policies, where possible, are aligned so staff and participants can focus on activities that lead to employment not on activities geared at remaining eligible for assistance.

- **Wide ranges of services are available to move parents to increased economic independence.**

Services include: rental assistance, case management, assessment, occupational skills training, adult education, job development and placement, worksite learning/unpaid and community service internships, mental health and substance abuse treatment and counseling, funds for work related expenses, job readiness and life skills training.

- **Domestic violence is recognized as one of the possible obstacles that individuals may need to resolve.**

The State meets the requirements for federally recognized good cause domestic violence waivers. The State waiver on the definition of employment activities already allows for individualized assessment and development of a plan that leads to work in accordance with 45 CFR 260.55(b)(c)((2)(3). We will be able to waive federal participation requirements along with other program requirements specified in attachment B under Optional Certification. The waivers will be determined based on need by a worker trained in domestic violence and individuals will have a service plan developed by a person trained in domestic violence in accordance with 45CFR260.55(c)(1)

Employment plans should be flexible and might include temporary waivers for work requirements, extensions of time limits, and customizing programs and resources to meet the individual needs of battered women in accordance with 45 CFR 260.55 (a). Plans are designed such that safety is a principle consideration and opportunities are available to victims to disclose he or she is a victim of domestic violence and the necessary protections, services and support are available to achieve both safety and employment. Screening for domestic violence is an ongoing process, and individuals may voluntarily and confidentially disclose this at any time during their participation.

In accordance with 45 CFR 260.55 (b)(c)(1)(2)(3) all employees administering TANF assistance to individuals receive training in general domestic violence issues, screening issues, case work issues, procedures and referral issues. At initial assessment, all customers are asked four TALE questions. These questions alert the employee that the customer may be dealing with domestic violence issues. A

customer pathway is established that includes employment planning with a licensed clinical therapist (LCT) assigned to each Employment Center. Regions and Employment Centers statewide are responsible for providing multiple opportunities for disclosure and referral and for maintaining and training on resource referral information in the community. Interagency agreements will address the following items:

- FEP assistance must be clearly defined as employment based.
- Employment planning includes assessments to determine skills, limitations, and current circumstances. The employment plan will be monitored no less than every four months. Problem solving, sanctions, and case closures are consequences of non-compliance.

Services offered include: Access to community resources, brief therapy via the LCT, short term therapy via contracted providers, long term therapy via medical provider, and consideration of participation exemptions while accessing services to reduce or resolve risk for self and children.

Extensive review of long term cases and ongoing studies show that long-term recipients have very distinct characteristics. Most of these recipients face one or more of the following challenges: physical and/or mental health problems, drug or alcohol abuse, negative support systems, domestic violence, continued lack of success, or lack of recent employment history. A large number of these cases either had their first child as a teenager before receiving financial assistance or are currently a teen parent while on financial assistance. Key interventions that have helped these individuals connect to the workforce have included home visits, case staffing, intensive monitoring and follow-up and the addition of treatment counselors (Licensed Clinical Therapists) at all sites. A problem solving process focuses on these interventions in order to encourage client participation prior to a financial assistance reduction or case closure.

Employment Centers focus on these long-term cases and the preliminary results are encouraging. While results with families facing multiple barriers to full-time employment do not occur quickly, the key to the success of any welfare reform effort is helping families secure higher income and achieve self-sufficiency. Individualized, highly focused efforts by staff are helping families with multiple barriers move toward employment.

Another key to reaching economic independence is the relationship between an employment counselor and customer and the customer's ownership in their employment plan. All employment counselors who negotiate employment plans are required to attend "Building Helping Relationships" training. Creating a history of success with a customer is achieved by jointly developing plan goals that are manageable and easily measured.

Utah also supports an intervention specialist who interacts with customers closed for non-participation or for time limits, to ensure families are connected to available resources. The

intervention specialist clarifies information regarding FEP closures and viable resources to help minimize and/or resolve barriers. In addition, intervention services strengthen collaboration between partnering agencies by creating referrals for customers who are in need of connection with DWS resources.

The State of Utah opts out of the TANF requirement that a parent who is capable of engaging in work must engage in community service employment after receiving TANF assistance for 24 months. Utah continues to require universal engagement for all work eligible parents unless reasonable cause not to participate is provided. Utah utilizes public and private internships when determined appropriate to provide participants with the opportunity to enhance their employability by gaining basic work experience, on-the-job training, and the development and preservation of basic job skills and good work habits through a positive community work experience. These community work sites are only developed with sponsors who are federal, state, or local government units/agencies, or private non-profit agencies/ organizations. Each sponsor signs an agreement that they will not replace regular employees with interns and that the work position did not result in the displacement of persons currently employed or the filling of established, unfilled vacancies, unless the sponsor can show that unfilled positions are the result of funding cutbacks.

Utah's efforts in providing opportunities for the unemployed and underemployed individual continues to be focused on competitive private sector employment. Local employment centers offer new companies who are moving into their area assistance in finding qualified employees. Family Employment Program individuals will be prepared for those jobs. The goal of the Department of Workforce Services is to provide the labor market with qualified competitive employees. Utah's current economy provides those competitive opportunities for the majority of individuals who are receiving assistance from the Family Employment Program.

The Family Employment Program will be consistently implemented across the State. Providing meaningful opportunities to participants in all areas of the State is an expectation of the program and local service delivery sites. Local Employment Centers may choose what resources are necessary to the area for the success of an individual to achieve employment and provide those resources. The only area that may vary is where individuals reside on the Navajo Nation's tribal lands. The Navajo Nation has chosen to implement its own TANF programs, Native Employment Works (NEW) and Navajo Nation Program for Self Reliance, which was effective January 1, 2007.

Emergency Assistance for Homelessness Prevention

This statewide service requires no employment planning. Appropriate services within the department and in the community are offered based on individual need.

Employment and Education and Training Services

Employment and education and training Services are provided to unemployed and underemployed parents. An assessment and planning process is conducted to determine the need for training services and whether the parent has the skills/qualifications needed to successfully complete the selected training or education program.

Assessment activities assist in the determination of the customer's ability to benefit from services and in the development of the individual employment plan. The plan documents the mix of services for the customer and includes services needed to address and resolve identified barriers. Employment goals are developed based on the assessment results and labor market evaluation.

The Employment Plan for Employment and Education and Training services will include an ongoing jointly developed strategy to identify the employment goal, achievement objectives, and an appropriate combination of services for the individual to achieve the employment goal.

Utah Adoption Assistance Program

Adoption assistance recipients are provided the same employment planning services as Family Employment program customers. Employment goals are based on an assessment of marketable skills. The expectation is to provide meaningful opportunities that lead to employment.

Section 4 - BENEFITS

Family Employment Program

Electric Benefit Transfer (EBT)

The Family Employment Program will provide for at least monthly issuance of financial assistance through electronic benefit transfers (EBT) to families participating in appropriate activities such as job search, job training, adult education, community work, and other related employment activities of the program.

Y Funds

Other supportive services that will be provided to families participating in the program includes supplemental payments given directly to a parent to help reimburse work related expenses.

Child Care

Child Care will be provided to families participating in the Family Employment Program based on an integrated childcare program. This childcare program is administered based on the philosophy that all parents are responsible for the choices they make for themselves and their children. Priority will be given to families participating in the Family Employment Program to support their participation in approved work activities and to transition off such assistance. Child care payments will be sufficient to ensure equal access for eligible children to comparable child care services in the State that are provided to children whose parents are not eligible to receive assistance under any other federal or state child care assistance programs.

Time Limit

The Family Employment Program began applying a 36-month life time limit January 1, 1997 to all families receiving financial assistance from the program with the following three exceptions:

- Specified relative families where the specified relative is not included in the Family Employment Program financial assistance payment.
- Families where all parents residing in the home are SSI recipients.
- Adults living in Indian Country where 50% of the adults are unemployed.

Extensions

On a month-to-month basis, not to exceed 60 months of assistance, the State may continue to provide financial assistance to a family that has reached their 36-month limit for an additional month if currently employed at least 20 hours per week, and during the previous 2 months, the parent was employed for no less than 20 hours per week.

The State may extend 20 percent of the average monthly number of families receiving Family Employment Program financial assistance beyond the 60-month time limit. Those within the 20 percent who are extended beyond the time limit will still be required to participate in activities leading to employment and will be subject to closure of the financial assistance case for continued non-participation.

Reasons for an extension include:

- The parent is medically (physical and mental health conditions) unable to work.
- A young parent under age 19.
- A parent must care for a medically needy dependent family member.
- Resolving domestic violence issues if they are a barrier to employment.
- A parent engaged in education/training and through no fault of their own is not able to complete the training within the 36 month time limit.
- A parent through no fault of their own experiences a delay in delivery of services by DWS, preventing the parent from obtaining employment.
- A parent completes education/training at the end of the 36 months and needs additional time to obtain employment.
- Moved to Utah after exhausting 36 months of assistance since October 1, 1996 and through no fault of their own a delay in delivery of services in the other state resulted in a hardship to the parent, preventing the parent from obtaining employment.
- A parent who has received 36 months of assistance and was employed at least 20 hours a week during the previous 2 months while receiving assistance and continues to be employed no less than 20 hours a month can receive an employment extension not to exceed 24 months.
- A parent currently receiving an extension, who will no longer be eligible for an extension, may be eligible for a one month extension to look for employment. This extension reason is not available for a parent who is receiving the employment extension, or the extension for a parent completing education/training because they are already eligible for additional time to obtain employment.

At no time will more than 20% of the State's average monthly number of families receiving assistance exceed 5 years of ongoing TANF financial assistance.

A month that a parent received Temporary Assistance for Needy Families in another state will count toward the family's 36-month Family Employment Program time limit, unless that family meets the following exception criteria:

- Specified relative(s) or
- All parents are SSI recipients or
- Adult(s) living on or near a reservation where the unemployment rate is equal to or greater than 50%

Until a national data system is developed that tracks months of assistance in another state, to determine the months of assistance in another state all applicants will be asked what states they have previously resided in. Based on the information provided by the parent and any other information that may become available, a contact with those states will be made to determine if the applicant received Temporary Assistance for Needy Families (TANF). If the applicant received TANF, additional information may be required to determine eligibility for an extension.

Problem Solving

A formal two-phase problem solving process will occur in the Family Employment Program to resolve any lack of appropriate participation by a parent residing in the household. The purpose of the problem solving process is to:

- Encourage participation in individualized appropriate activities to increase family income through employment, SSI or SSDI or child support AND
- Ensure that the individual who is choosing not to participate, has been educated about the consequences of non-participation and has made an *informed* choice about the participation and cooperation requirement AND
- Confirm that case managers and other agency/allied staff have followed a uniform set of procedures, analyzed agency intervention, and utilized appropriate resources to assist individuals in resolving any participation problems and have provided opportunity for the individuals to establish reasonable cause for not participating.

Both phases of the problem solving process focus on jointly addressing barriers to participation and exploring alternatives to arrive at a mutually agreeable level of participation:

- Phase One, or Participation Review, consists of activities appropriate for a case manager to carry out when it is determined that an individual is not participating, including providing an opportunity for the individual to establish reasonable cause for not participating. In most cases, Phase One is successful in resolving the issue, but if it is not successful the customer moves to Phase Two, Non-Participation Problem Solving.
- Phase Two, or Non-Participation Problem Solving, formally brings in additional agency and/or allied staff, including the customer, to recommend ways that the participation issue might be resolved. A reduction in or closure of the household's financial assistance cannot take place until Phase One and Phase Two have been completed.

The number of occurrences of Non-Participation determines the consequences for an individual who is not participating. A first occurrence results in a one-month reduction of \$100 and case closure if the issue is not resolved during the reduction month. A second occurrence results in a one-month financial case closure. A third sanction (or more) results in a two-month financial case closure. Each time a case is closed for non-participation completion of a trial participation period is required before financial benefits can be authorized.

Adoption Assistance

Benefits for Adoption Assistance are the same as the Family Employment Program.

Employment and Education and Training Services

Parents eligible for Education and Training Services may receive up to:

1. \$4,000.00 in an Individual Training and Supportive Services Account to finance training.
2. Stipend up to 80% of the comparable wage but no less than minimum wage for 6 months of Paid Internship. This level is for WIA Youth who are not FEP head of household.
3. 50% of wages paid to the employer for On the Job Training for a 6-month period.

Section 5 - PARENTAL RESPONSIBILITY

The State strongly believes that both parents have a responsibility to support their children. All parents who are included in the Family Employment Program 's assistance filing unit must participate in agreed upon activities leading to increasing their family 's income through employment, child support, and in some situations, pursuit of disability payments. The age of a parent does NOT affect the requirement to participate. The State also offers employment related services to unemployed parents not residing in the home so they can meet their ongoing child support obligations.

Except where good cause exists, all parents are required to provide the most complete and accurate information on every absent parent, and to fully cooperate with the Office of Recovery Services (Utah 's IV-D agency) so that the family can obtain child support.

Parents have the responsibility to support their minor teen children who are parents as well. Teen parents who have a dependent child in their care MUST reside with their parent(s), stepparent(s), or legal guardian(s) to be eligible for Family Employment Program assistance, unless the teen parent has good cause to live separately. In cases where good cause is approved, the teen parent must still reside in a suitable adult-supervised living arrangement to be eligible for Family Employment Program assistance.

Teen births affect newborn infants, their young mothers, their fathers, their families, and society. Pregnant teens have higher risks for inadequate prenatal care, incomplete education, single parenthood, and increased poverty for mother and child. In order to address the health, social, economic and educational issues that teenage pregnancy involves, the State has developed collaborative, community based prevention programs which focus on high risk teens, both male and female. Through the formation of these programs, the State will continue to work towards the goal to decrease the teen out of wedlock birth rate.

As part of the initial and ongoing assessment process of determining appropriate participation level for parents, the State will continue to consider domestic violence as one of the possible obstacles that the family needs to resolve in order to become self supporting. Participation for families who have been affected by domestic violence issues that impede their ability to gain or maintain employment will be tailored to include additional services and treatments so that the domestic violence barrier may be overcome.

Section 6 - TRIBES

All tribal members may apply for assistance from the Family Employment Program if they are not receiving assistance from a tribal assistance plan. Tribal members will be subject to the same eligibility, time limit, and participation requirements as other families receiving assistance from the Family Employment Program. However, if a Tribe elects to continue receiving Navajo Nation's Tribal TANF Program funds, Navajo Nation Program for Self Reliance, and/or Navajo Nation Native Employment Works Program funds to serve the employment and training needs of tribal members living on their tribal lands, these tribal members will be referred to the Tribe for a determination of appropriate participation requirements.

Navajo Nation Native Americans living on the Navajo reservation in Utah are generally served by Navajo Nation TANF programs. Skull Valley Goshute Native Americans are served by the Utah TANF FEP program. If during the month(s) of receipt of family assistance, the reservation had 50% or more adults who were not employed, the month(s) TANF FEP household families reside on Navajo Nation and Skull Valley Goshute Native American reservations do not count toward the FEP federal and state time limit as consistent with federal law, CFR 264(a)(3)(ii).

The State will continue to offer coordination efforts with the Tribes in developing employment focused programs and job opportunities for tribal members.

Section 7 – FAMILY STABILIZATION INITIATIVES

Several initiatives supporting prevention and reduction of the incidence of out-of-wedlock pregnancies, encouraging the formation and maintenance of two-parent families, and healthy youth development operate in the State. These include contracted services with local and state governments, private and non-profit agencies.

Promoting Marriage: The Utah Commission on Marriage focuses on helping people form and sustain a healthy, enduring marriage by promoting/providing pre-marital education or marriage enhancement training. The website, www.utahmarriage.org, also supports healthy marriage with a free on-line marriage course, a free course for new parents, and other researched information and resources. The commission, with cooperation from the State's county clerks, distributes a newly created "Utah Marriage Handbook" in English and a healthy marriage booklet in Spanish to all couples that apply for a marriage license. A yearly daylong seminar is conducted for professional counselors and faith leaders along with a conference for the general public.

During fiscal year 2008, Utah will spend up to 1% of the TANF grant (\$750,000) on creating local resources, updating high school curriculum, building local coalitions to support healthy marriage, piloting a pre-marital education project in conjunction with a public awareness campaign, and research and evaluation.

Out-of-Wedlock Pregnancy Prevention: DWS provides a wide variety of out-of-wedlock pregnancy prevention programs and services to target groups that will facilitate the goal of an annual 2% reduction of the rate of out-of-wedlock pregnancies. All statewide contracts provide group education services for male and female youth on values clarification, self-esteem, counseling to prevent out of wedlock births and after school connection sites. Services include resiliency training, character building, life skills, career/employment opportunities, academics, social marketing campaigns, etc. Research will take place to further study the success of statewide initiatives.

After School Programs: Statewide grants fund Safe Passages after school programs to provide 11-14 year old male and female students healthy youth development programs. Program goals include improving academic and social outcomes for participating youth, facilitating the formation of secure, stable relationships with caring adults, and providing prevention and intervention learning opportunities that are culturally and linguistically responsive to the needs of youth. [Grantee orientation includes training on Utah's statutory rape laws and regulations.](#)

Section 8 - ADMINISTRATION

As of July 1, 1997 the Utah Department of Workforce Services has the administrative and supervisory responsibility for the Family Employment Program. The Department of Workforce Services also has the responsibility to administer most employment education and training services in the State of Utah. The Executive Director of the Department of Workforce Services is a member of the Governor's cabinet.

State administration is through five regions in the State. Each Region has several Employment Centers that implement programs and services. A Deputy Director of the Department of Workforce Services supervises each Regional Director. Regional Directors are members of the local Regional Councils that provide policy and procedure guidance to regional areas. These local councils review the Family Employment Program, Employment and Education and Training Services as well as other programs, including WIA responsibilities required of State Workforce Investment Boards. Each council has employers, community based organizations, education, human services, and local government representatives as members.

This plan reflects Utah's current state wide Family Employment Program and Employment and Education and Training Services. Improvements and options in the program will be an on-going continuous improvement process that will include amendments to this plan.

ATTACHMENT A

Statutory Text Relating to State Plans

STATUTORY TEXT

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (Public Law 104-193) was signed by the President on August 22, 1996. The following is the statutory language relative to the State TANF plan.

SECTION 402 -- STATE PLAN REQUIREMENTS

(a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.

(A) General Provisions - A written document that outline how the State intends to:

(i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.

(ii) Require a parent or caretaker receiving assistance under the program to engage in work once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.

(iii) Ensure that parent and caretakers receiving assistance under the program engage in work activities in accordance with section 407.

(iv) Take steps to restrict the use and disclosure of information about individuals and families receiving assistance.

(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy rate of the State for calendar years 1996 through 2005.

(vi) Conduct a program that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(B) Special Provisions -

(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under

the program, and if so, how the State intends to treat such families under the program.

(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for administrative or appeal process.

(iv) Not later than 1 year after the date of enactment of the Act, unless the chief executive officer of the State opts out of the provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 24 months is not exempt from work requirements and is not engaged in work, as determined under section 404(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM - A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM - A certification by the chief executive officer of the State that during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

(4) CERTIFICATION OF ADMINISTRATION OF THE PROGRAM - A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurance that local governments and private sector organizations:

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE - A certification by the chief executive office of the State that, during the fiscal year, the State will provide each member of an Indians tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE - A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE -

(A) In General - At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to-

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individual to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY - The State shall make available to the public a summary of any plan submitted by the State under this section.

ATTACHMENT B

State Plan Certifications

This has been designed to enable the Chief Executive Officer of a State to certify that the State will operate its Temporary Assistance to Needy Families (TANF) program in accordance with the statutory requirements in section 402(a)(2) through (7).

CERTIFICATIONS

The State will operate a program to provide Temporary Assistance to Needy Families (TANF) so that the children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as the Family Employment Program

Executive Officer of the State (Name) Jon M. Huntsman, Jr.

In administering and operating a program that provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State will:

1. Specify which State agency or agencies will administer and supervise the program under part A in all political subdivisions of the State:

Department of Workforce Services is the agency responsible for administering the program;

Department of Workforce Services is the agency responsible for supervising the program;

2. Assure that local governments and private sector organizations:
 - (a) Have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and
 - (b) Have had at least 45 days to submit comments on the plan and the design of such services.
3. Operate a Child Support Enforcement program under the State plan approved under part D;
4. Operate a Foster Care and Adoption Assistance program in accordance with part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance;
5. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government

6. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Make available to the public a summary of the State plan; and

OPTIONAL CERTIFICATION

[X] The State has established and is enforcing standards and procedures to:

- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- (2) Refer such individuals to counseling and supportive services; and
- (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) and individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in case where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:

Date

For Governor of Utah

ATTACHMENT C

Funding

FUNDING

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B). The effective date of this plan amendment is ~~December 1, 2007~~ February 1, 2009. The State will spend Maintenance of Effort on the Transitional Cash Assistance program and eligible non-citizens not meeting TANF Qualified Alien criteria within five years of entry, Baby Watch Early Intervention services, and adoption assistance for children with special needs in two parent homes. A Memorandum of Understanding~~s~~ between the Utah Department of Human Services and the Department of Workforce Services regarding use of MOE ~~is~~ are attached. Other TANF services will combine Federal TANF and State Maintenance of Effort money.

I. Payments to Agency Administering the TANF Program

Payments for the TANF program will be made to the organization managing the AFDC/JOBS programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed. If a change is made, describe the name, address and EIN number of the new organization.

II. State Payments for TANF Program

Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 2007 and Further Years-

<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
25%	25%	25%	25%

Memorandum of Understanding

November 13, 2006

This memorandum of understanding is between the Department of Workforce Services (DWS) and the Department of Human Services (DHS). On a temporary basis, DHS is allowing DWS to utilize state General Fund expenditures for subsidized adoptions within the Division of Child and Family Services (DCFS) and non-waiver services within the Division of Services for People with Disabilities (DSPD) to meet increased maintenance of effort (MOE) requirements for the Temporary Assistance to Needy Families (TANF) program.

The need for additional MOE is based on two unique circumstances that have manifest themselves during the same fiscal year. First, DWS received notice of a one-time penalty for failing to meet 90% paternity establishment declarations for TANF customers during FFY 2004 and 2005. This 1% penalty decreased Utah's TANF award by \$703,025 in FFY 2007. Increasing MOE by \$703,025 allows DWS to use General Fund dollars currently being claimed as MOE to replace federal dollars the state will not receive this year.

Paternity establishment is a function performed by DHS and assurances have been provided that the deficiency in reporting has been resolved so no further federal penalties should be assessed against Utah's TANF funding in the near term foreseeable future.

Second, under TANF reauthorization passed by the U.S. Congress as part of the Deficit Reduction Act of 2005, several key components of the TANF program were altered. One change included re-indexing the base year for calculating each state's work participation rate to FFY2005. This action eliminates Utah's previously discounted participation rate and replaces it with the federally mandated 50% participation rate for individuals and 90% for two parent families receiving TANF benefits. The loss of this discounted participation rate increases MOE from 75% of Utah's historic expenditures to 80%, an increase of \$1,659,269 for DWS in FFY07.

While DWS is making every effort to meet the higher participation rate we will not receive a final determination from the U.S. Department of Health and Human Services (HHS) until January 2008 (SIY08). However, HHS has made it clear that the federal MOE requirement for TANF is 80% and any failure to meet this requirement will lead to a penalty of up to 5% of our State Family Assistance Grant, an amount of \$3,780,500. When a penalty is assessed any decrease in federal funds must be replaced by state General Funds. To avoid the larger penalty of \$3.8 million, DWS is seeking additional MOE to meet the 80% requirement during the current fiscal year.

This memorandum of understanding allows DWS to claim approximately \$2,047,000 as General Fund MOE in Utah's TANF program. This amount includes the General Fund currently being expended by DHS for adoption assistance for children with special needs in two parent homes (\$1,997,000 in SFY 2006) and non-waiver services for children under 18 living at home (\$50,000 in SFY 2006). DHS does not guarantee the exact amount of eligible General Fund expenditures in these two programs, but presently has no reason to believe the expenditures available in SFY 2007 and SFY 2008 would be substantially less than in SIY 2006.

Use of these funds is intended to be temporary for SFY 2007 (current year) and SFY 2008. DHS acknowledges that during the two fiscal years outlined by this agreement these funds are dedicated for the use of DWS as MOE and may not be claimed as match or MOE for any other federal assistance program.

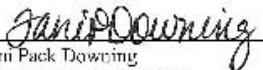
It is further understood that DHS will immediately notify DWS should they choose to reduce the General Fund dollars appropriated and/or expanded for these two programs due to budget reductions or other circumstances largely beyond their control.

DWS herein confirms the \$2,047,000 in SFY 2006 General Fund expenditures qualify as MOE based on new TANF regulations, section 200.20(d) "to encourage the formation and maintenance of two parent families". The funds outlined by DHS are provided to adoptive two parent families who are not IV-E eligible as MOE for TANF. Using this TANF purpose does not require the families meet income or household eligibility criteria. In addition, these DHS funds do not meet the definition of "assistance" which includes, "cash, payments, vouchers, and other forms of benefits designed to meet a family's *ongoing basic needs*" (i.e. for food, clothing, shelter, utilities etc.).


Adoption assistance is provided by DHS based on a child's special needs to help with the extra demands placed on parents beyond the normal expenses of childhood. Adoption assistance is not based on the income of the adoptive parents. Recognizing that adopted special needs children can be disruptive to family life, funding is used in part to help parents learn how to address their child's individual needs thus helping maintain stability in the family and marriage.

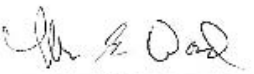
DWS retains responsibility for any potential audit findings relative to using the funds outlined in these program activities for MOE in the TANF program. DHS retains responsibility for any financial audit findings relative to the accounting for these funds and their distribution.

DHS will provide written verification of actual expenditures, which will be claimed by DWS as MOE, within 30 days after the end of each fiscal quarter beginning October 1, 2006. This written verification should document the basic provisions outlined in this MOU, namely that expenditures are, state General Funds dollars, actual expenditures for the quarter, used for two parent families with adopted special needs children, and they are not being claimed as match or MOE on any other federal program.


Tami Pack Downing
Executive Director, DWS


Marvin L. Dodge
Chief Financial Officer, DWS

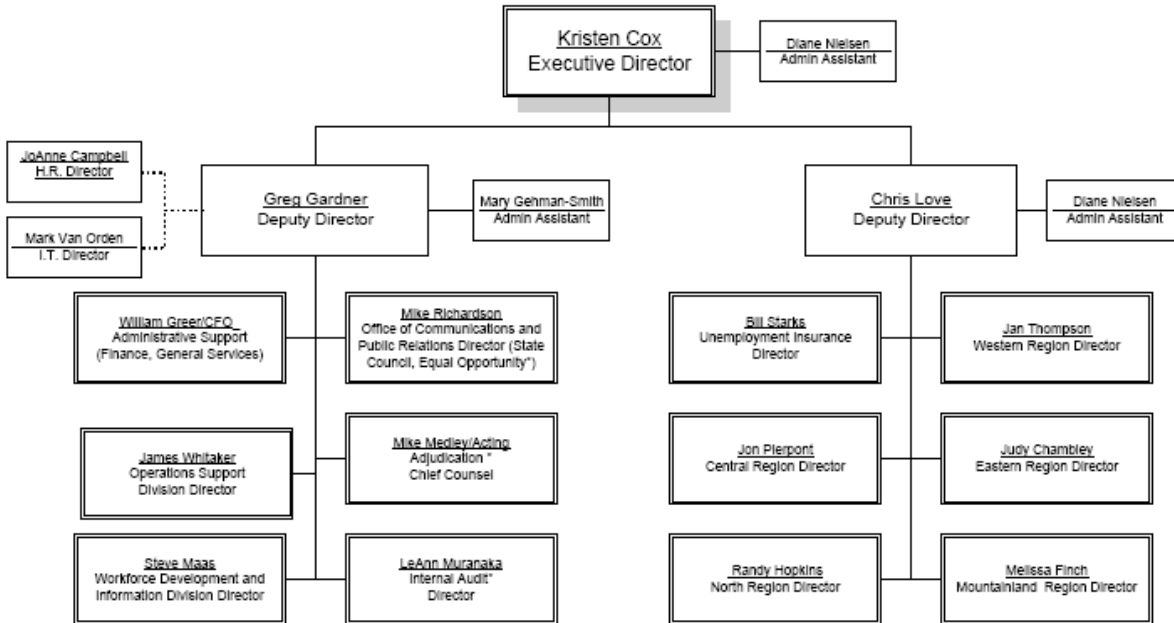

Lisa Michele Church
Executive Director, DHS


Mark E. Ward
Deputy Director/Fiscal, DHS

ATTACHMENT D

State of Utah Department of Workforce Services Organizational Chart

DEPARTMENT OF WORKFORCE SERVICES Organizational Structure March 2007



* Denotes a dotted line to the Executive Director for selected positions.